

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

Initially, it is noted that the outstanding Office Action fails to address Applicant's arguments regarding the additional distinguishing features of dependent Claims 130 and 149, 131 and 150, and 117 and 136, as presented at pages 5-6 of the Submission dated October 5, 2005. Appropriate consideration and a specific response to those arguments in the next official communication would be appreciated. If the claims should be rejected in the next communication, it is requested that such rejection be made non-final, since Applicant's arguments regarding those claims have yet to be specifically addressed by the Examiner.

Claims 114 and 133 stand newly rejected under 35 U.S.C. § 103(a) based on Qmodem (of record) in combination with Microsoft Press Computer Dictionary, 2nd Edition, 1993 (newly cited). The rejection is respectfully traversed.

The Office has again acknowledged that Qmodem does not expressly teach a user interface function that presents the user with a customized user interface for each different online service provider. However, such characterization of the reference oversimplifies its deficiency with respect to the invention as particularly claimed. As was more

appropriately observed in Applicant's Submission dated October 5, 2005, the Qmodem reference fails to disclose presenting a user with different customized graphical user interface functions stored and executable at the user station for different selected online services in support of an application function, as is particularly claimed.

The Office's analysis of Qmodem with respect to the aforementioned features of the invention continues to reflect impermissible resort to hindsight in view of Applicant's disclosure. This is evident from the following excerpt taken from pages 4-5 of the Office Action:

Qmodem does not expressly teach a user interface function that presents the user with a customized user interface for each different online service provider.

However, as understood by the Examiner the generic application function ***disclosed in Applicant's invention*** provides open-ending software The open-ended software ***disclosed by Applicant*** allows for the user interface for each online-service providers to be rewritten to include customized interfaces when the user station dials into the publisher's servers. ***Therefore, it would have been obvious*** to one of ordinary skill in the art at the time of the invention that once the user is logged in the remote server of the online service provider that the interaction window screen of the online service provider would be customized with the

respective application program (Added emphasis in **bold**.)

Distilled to its essence, the Office's analysis of Qmodem above reasons that because Applicant has disclosed certain software functionality, that functionality would have been obvious to one of ordinary skill in the art. Such reasoning is neither appropriate nor sufficient to support a rejection under 35 U.S.C. § 103(a).¹

Further, the online services providers referenced by the Office in connection with page 110 of Qmodem do not have customized graphical user interfaces and are limited to use of a standard ASCII terminal window. Such an ASCII terminal window does not permit a graphical user interface to be associated with any application functions supported by an online service. Nor does it permit any user interface associated with any application functions supported by online services to be stored and executable at the user station. Qmodem does not disclose any concept of a graphical user interface associated with the application function of an online service at all. (Qmodem uses a

¹ As noted in the October 5, 2005 submission, Applicant's invention is not limited to downloading of customized graphical user interface functions as discussed by the Office. Such functions may also be provided with an information product 17 (e.g., page 13, lines 19-23), which may, for example, be on disk (e.g., page 1, lines 22-23). In any event, Applicant's invention distinguishes from the applied references as discussed herein.

graphical user interface only in to support its own basic communications functions, such as call establishment, etc.)

Significantly, when user interface functions are based on a terminal window, as with Qmodem, all such functions (and any variation or customization in such functions) must be stored and executable at the respective online services, not at the user station.

Thus, the general disclosure of a graphical user interface in the newly cited Microsoft reference would not have suggested modifying Qmodem in a manner relevant to Applicant's claimed invention. Indeed, such modification of Qmodem would require a wholesale reconstruction of the reference, for which there is no suggestion in the prior art. Such reconstruction of Qmodem would only have been obvious with the benefit of improper hindsight in view of Applicant's teachings, as is evident from the Office's own analysis discussed above.

The newly asserted rejection of Claims 114 and 133 is untenable for the reasons discussed above and should be withdrawn accordingly. Claims 114, 133, and their respective dependents, are clearly patentable over the collective teachings of Qmodem and the Microsoft reference. The secondary reference to Pettus, which was cited with respect to several of the dependent claims, is not seen to

overcome the more fundamental deficiencies of the Qmodem and Microsoft references discussed above.

Applicant reiterates the request at the outset of these Remarks for a specific reply to the previous arguments regarding Claims 130 and 149, 131 and 150, and 117 and 136.

A favorable action on the merits is respectfully solicited.

The Commissioner is hereby authorized to charge to Deposit Account No. 50-1165 any fees under 37 C.F.R. §§ 1.16 and 1.17 that may be required by this paper and to credit any overpayment to that Account. If any extension of time is required in connection with the filing of this paper and has not been requested separately, such extension is hereby requested.

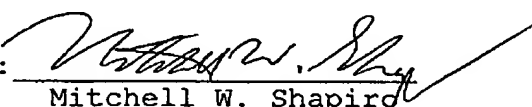
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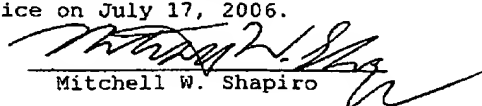
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I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on July 17, 2006.


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